19

Department of

OFFICE

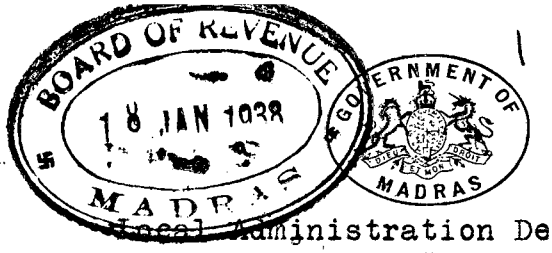
STATION

No. 1066

Dated 18/9/39

ges in the file

(SUBJECT.)



1

R433

19 38

Local Administration Department.

***

From the President, District Board, South Kanara, No. 5690/37 A5 dated the 6th October 1937.

Land - Assignment - road margins - extension of timelimit allowed in G.O.No. 3909 L.&.M dated the 24th September 1935 to six months.

Wt. Inaccessible
T. M. Hills Scrub
Ms. 4093
28.10.35 (K)

Memorandum No. 28113-1 A1 dated the 12th January 1938.

Referred to the Board of Revenue for remarks.

T.S.Ramalinga Ayyar,
Assistant Secretary to Govt.

To the Board of Revenue (with enclosures in original to be returned with reply).

Forwarded.
(By Order)

A Subrahmaniam

Superintendent.

d.k.r

Copy of letter at M35 above
Copy for file. 7 3

Letter from the President, District Board, South Kanara, Ref.No.C.5690.37.A5. dated 6.10.1937 to the Secretary to the Government, Local Administration Department.

Assignments - land - road margins - opinion of the Board - communication to the Revenue Department - time limit of six months suggested.

I bring to the notice of the Government the following facts for favour of orders.

In his letter Ref. D.R.601-45 dated 13.10.1936 the Tahsildar, Mangalore, called for my opinion regarding the assignment of the plot S.No.66/6A1 of Ullal village, Mangalore taluk. In reply to this, the Tahsildar was informed in this office letter L.Dis.No.11438.36 dated 6.7.1937 that as the plot is required for stacking road materials and for the removal of gravel for road repairs its assignment is objectionable . In the meanwhile the Tahsildar assigned the plot to the applicant on the ground that no reply was received from this office in time. My request to the Collector to cancel the assignment in view of the fact that the plot is required for road purposes was not complied with. He has further directed the Tahsildars in the district that if no reply is received from a local body within three months from the date of the reference they may proceed as if no objections were received.

3. I request that the Government may be pleased to direct the Collector to cancel the assignment of the plot in question as it is essential for road purposes. I presume that in refusing to cancel the assignmentof the plot referred to in para.2 above the Collector had in view Government Order No.3909 L & M dated 24.9.1935 which prescribes a time limit of 3 months for the communication of the opinion of the Board in the matter of a change in the classification of a land registered

as "poramboke". I may kindly be enlightened whether this Government order is applicable only to unmaintained roads as could be made out from the preamble of the Govt. order above mentioned or to other maintained roads as well.

4. However in this connection I should like to state that it has been found impossible to communicate the opinion of the Board within three months in most of the cases of assignments, transfer of registry of plots etc. as such papers have to be disposed of by the Standing Committee which generally meets once in two months. Moreover since the references dealing with encroachments, assignments etc. received from the Revenue Department now-a-days are many, it is not practicable for the subordinates of the Engineering department to dispose of those papers expeditiously. The reports from the Section officers have, of course, to be submitted to this office through the Assistant Engineer and the District Board Engineer who cannot help taking considerable time for personal inspection etc., I therefore request that the Government might be pleased to reconsider the orders issued in G.O.No.3909 L & M dated 24.9.1935 and extend the time limit of 3 months fixed therein to six months as suggested by the President Nellore District Board in his letter Ref No.~~6x~~ 66 Supr.D.B. of 1935 referred to in the said Government order.

5·7

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying		
When copied		
When examined		
When signed		
When despatched.		

DESPATCHED
11 FEB 1938

SUBJECT :— Assignment:- Land (S. Kanaga) Road margins - Illal village - S. No 66/6A1 Cancellation.

READ AGAIN ____. dated ____ 19____.

" " ____ " ____ 19____.

READ *ALSO* :—

B No. 433 From the Govt Agt Mems No. 28113/1-A1 dated 9/12/1938 19____. A. with encl

Order / Resolution Ms. / Rout. No. Refce, dated B 433/38·1 d. 5·2 1938.

I Rv
9·3·38

Referred to the Collr of S. Kanara for remarks.

Reptg. Ex Rv to Govt
6·4·38 ✓

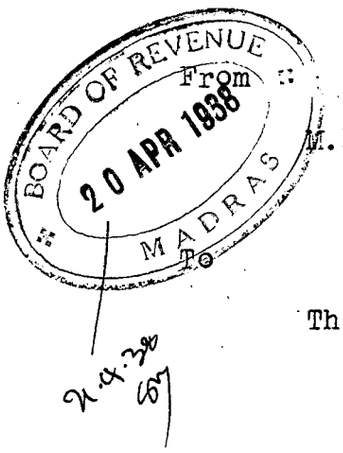
2/2/38

To

The Collr of S. Kanara.

D.Dis.955-38. South Kanara Collector's Office,

Mangalore, dated 11th April 38.



From :

M.R.Ry. Rao Bahadur M.V.Vellodi, Avl., B.A.,

Collector of South Kanara.

To

The Secretary to the Board of Revenue,

Land Revenue and Settlement, Madras.

Sir,

ASSIGNMENT-- Land - Mangalore Taluk - Ullal village - S.No.66/6A1 - cancellation - Assignment of road margin - opinion of the District Board - Extension of time - limit -

Ref:- From the Board of Revenue, Ref.B.433-38-1 dated 5.2.1938.

The plot S.No.66/6A1 of Ullal village assigned by the Tahsildar of Mangalore Taluk in D.R.601/45 is a bit of assessed waste road-side land measuring 12 cents lying beyond half a chain from the centre of the road. The road has already been demarcated and mapped. It passes through S.No.193 which stands registered as poramboke. The road poramboke is more than a chain in width and there is sufficient margin on either side of the road for stacking road materials. As the road is straight at the place, the space within the limits of the poramboke is sufficient for the present and future --- requirements of the road.

2. Under para 2 of B.S.O. 15 the width that has to be set apart for a road, while making assignments is limited to 1 chain. When, on the basis of this Mr. Gawne (the then Collector) issued a circular in 1933 fixing the road margin as 1/2 a chain in this district, the District Board agitated for a wider road-margin and moved the Government in the matter. But the Government in their order G.O.No.2288 L. & M. dated 17-6-35 declined to interfere. It may thus be seen that consultation with the District Board was not obligatory in this case. Still the Board was consulted. It failed to

give its opinion for 9 months. The Tahsildar, therefore, ordered the assignment. The Board objected to the assignment after 9 months from the date of Tahsildar's reference. The assignment has not in any way affected the interests of the District Board. There are no grounds for the cancellation of the assignment.

3. In G.O.No.623 L. & M. dated 18.2.35, a time-limit of 2 months was fixed for communicating the opinion of the Dt. Board with regard to the change of classification of road porambokes in the case of roads not maintained by Local -- Boards. This time-limit was further extended to 3 months in G.O.3909 L. & M. dated 24.9.35. In this district the roads in villages have mostly not been surveyed and demarcat and they pass through assessed waste lands. When lands by the side of roads maintained by Local Boards are applied for on darkhast, there will be many doubtful cases in which the Local Boards concerned will have to be consulted, though the Revenue officers may feel that the assignment is not objectionable. The grounds which necessitated the fixing of a time-limit in the case of unmaintained roads (please see G.O.No. 623 L.& M. dated 18.2.35) apply equally well to the cases of maintained roads also. The necessity for a time-limit is imperative, because, without it the Local Boards will never reply promptly to the references made by Revenue authorities and there will be much unnecessary delay in the disposal of applications for land. I, therefore, issued a circular in September 1937, fixing a time-limit of 3 months for the Dt. Boards to communicate its opinion in all cases of assignments of road margins on the analogy of the Government orders --- referred to above.

4. I do not think that there is any need to extend the time-limit. All that the Revenue Department wants to know is whether the assignment is objectionable from the District Board point of view and for this purpose any formal resolution of the Board is not needed. As the places are all on the --

R Dept 1069 38

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..	11/6	
When copied ..		
When examined..	14/6	
When signed ..	14/6	
When despatched.		

SUBJECT:— Assignment of Land-(South Kanara) Mangalore taluk-Tillal village-S.No. 66/6A1 - Cancellation - Report

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

P.1 of No. B433 From the Govt. L.A.D. Memo No. 28113-A1 dated 12.1.38 19____.

11.13 of " B3069 " Collr. of S. Kanara D.Dis. 955.38 " 11.4.38 19____.

" _____ " _____ " _____ " _____ 19____.

Order / Resolution Rout. Ms. Ref B.433.38.2 No. _____, dated 13.6 19 38

Ex R to Govt 30/3/39

Submitted to the Govt.

2. The points raised by the President Dt. Board are

(1) that the assignment of a plot of land measuring 12 cents in S.No. 66/6A1 of Tillal village, Mangalore taluk, ordered by the Talr. in 1937 should be cancelled as the land is required for road purpose.

(2) whether the orders in G.O. No. 3909 L&M 24.9.35 fixing a limit of three months by which the local boards should give their replies apply to maintained roads also, and

(3) that the period of three months fixed in the G.O. referred to above should be extended to

P.7 (K)

R.E. 15.12.38 to Govt.

P.7-8 of 2 (E)

The Board begs to offer the following remarks on the three points raised by the President of the Board.

Point 1

In the circumstances stated by the Collector in paras 1 and 2 of his letter cited above, the Board considers that the Collr. was right in declining to cancel the assignment made by the Talr.

Point (2)

The Board observes that the instructions in G.O. No. 623 L & M D 18.2.35 and 3909 L & M D 24.9.35 regarding consultation with the local boards concerned, before a change in the classification of land registered as poramboke is ordered, apply only to public roads which are not maintained by the local body. In the case of maintained roads, the local body concerned should invariably be consulted before a change in the classification of the land registered as road poramboke is contemplated, since such portions should be excluded from the control of the local body.

In the present case, the land ordered to be assigned by the Talr. was a bit of assessed waste, road-side

and requires a chain from the centre of the road. The road has been demarcated and mapped. The Colly also reports ~~is also reported~~ that the road is more than a chain in width and that there is sufficient margin on either side of the road for the present and future requirements of the road. The land ordered to be assigned was not registered as road pramboke and consultation with the Dt. Board was not obligatory. ~~In the present case~~ the Dt. Board was however consulted but as it took more than 9 months to give a reply, the assignment was ordered by the Tahr.

Point 3.

The Board is of opinion that the period of 3 months fixed in G.O. 3909 Rd H D) 24.9.35 is ample and that no extension of time is called for.

8/6/38

10/6/38

11/6/38

The secy to Govt. Revenue Department with enclosures in original vide [pp. 3-5 of the sent]

Reply
3-5 cf

A.3(LR)

REMINDER.

BOARD OF REVENUE — Branch. — 6 APR 1939

SECY. — REPLY 4- APR 1939

To The Secy to the Govt

Local Admn Dept.

SECRETARIAT — LOCAL ADMINISTRATION DEPT. — 31 MAR 1939

I ~~have the honour to invite~~ am directed to invite attention to B of R's ~~invite~~ No B 433/38-2 dated 13/6/38 and early wdngs on the subject

to request ~~that the reply to it may be expedited~~ ~~request that this reminder may be returned at once~~ with ~~information as to~~

(1) the stage at which the matter now is,

(2) the date by which a reply may be expected, and

(3) the circumstances which have caused the delay.

Office Bd of Rev.

Station Madras.

Dated 28/3/39

Signature.

Designation. A.S. to Secy

SUBJECT.

9825 PV dP with Encl

Endt No. 9829-1A-L4 dt 1.4.39

Orders have issues in MJ Gen No 19009-1A-L4 dt 12-1-1938. - copy enclosed.

TS Ramalinga ayr

Asst. Secy. to Govt

1/4

Assignment - Land - (S. Kanara) - Mangalore

Th - Illal vge - SNo 66/6A1 - cancellation. To

Report submitted.

The Secy. to The Bd of Rev.

With a copy of memor

Government of Madras.

Local Administration Department.

Memorandum No.19009-1 A.1., dated the 12th July 1938.

From the President, District Board, South Kanara, No.5690/37, dated the 6th October 1937.

Land - Porambokes - Assignment - Expression opinion of the local board - extension of t limit.

The request of the President, District Board, South Kanara to extend the time limit fixed in G.O. No.3909 L & M, dated the 24th September 1935 to six months cannot be complied with. The Government are also not prepared to cancel the assignment of the poramboke in S. No. 66/6 A-1 of Ullal village, Mangalore Taluk, made bv the Collector of South Kanara.

2. The President is informed that the orders in G.O. No. 3909 L & M, dated the 24th September 1935 apply to the classification of land registered as poramboke in unmaintained road areas.

T.S. Ramalinga Ayyar,
Assistant Secretary to Government.

To the President, District Board, South Kanara.
,, Collector of South Kanara.

DRAFT FOR APPROVAL.

Date. Initials.

When received for fair copying .

When copied ...

When examined...

When signed ..

When despatched.

SUBJECT:— Assignment - Land - (S. Kannara - Mangalore Th - Ullal vge - S No 66 - cancellation - Orders passed by Govt - Papers recorded.

READ AGAIN _____, dated _____ 19____.

,, ,, _____ p17 cy - Govt Memo No 14009-1 A1 E AD dpt dt 19-12-78 - B

READ *ALSO*:—

No._____ From the _____, No._____, dated _____ 19____.

,, _____ ,, _____ ,, _____ ,, _____ 19____.

,, _____ ,, _____ ,, _____ ,, _____ 19____.

~~Order~~ / Resolution ~~Ms.~~ / ~~Rout.~~ No. 1066, dated 18-11-1979.

Recorded

5.4.

15-4-39

JS(A)
ASDR

Notefile

Assignment - Land (S. Kanara) Mangalore Tk. Ullal village - S. No 66/6 A1 - Cancellation.

B 433 from the Govt (R.A.D.)
Memo 28113/1A1/37 12.1.38

To A.S.

Please see Govt Memo at p 1 Cf. and the letter from the President Dt Bd, S. Kanara at pp 3-5 Cf.

It appears that the Talr. of Mangalore assigned S. No 66/6 A1 of Ullal village. The Talr. sought the opinion of the Dt Board whether it had any objection to the assignment of the plot. As it did not reply within three months fixed in G.O. No. 3910 L+M of 24.1.35 the Talr. ordered the assignment of the land. The collr. declined to cancel the assignment

The President wants that the assignment of the land should be cancelled and that the time limit of three months fixed in the G.O. at (K) may be extended to six months.

The Govt. Memo may be

refers to the Coll. for remarks

Draft noted.

32 38.

[Revised note noted as ordered by Hs.]

~~Bds Ref. B. 433.38-1 d 5.2.38~~ P9 c

Boards Ref. B. 433.38-1 d 5.2.38

B. 3059.38. Letter from the collector of S. Kanara pp 4-13 cf

Please see the Govt. Memo at page 1 cf Addl

calling for the Board's remarks on the letter from the President Dt. Board, South Kanara at pp. 3-5 cf and the collector's report at pp. 11-13 cf.

The points raised by the President, District Board are

(1) That the assignment of a plot of land measuring 12 cents in S. No. 66/6A1 of Ullal village, Mangalore taluk, ordered by the Taluk. in 1937 should be cancelled as the land is required for road purposes

(2) Whether the orders in G.O. No. 3909 L&M dated 24.9.35 fixing a limit of 3 months by which the local boards should give their replies apply to maintained roads also

p7 cf Mis 4093/28.10.35 (K)

(3) That the period of three months fixed in the G.O. at pp. 7-8 cf of (K) should be extended to 6 months

pp. 7-8 cf Pub Mis 4093/28.10.35 (K)

Point (1) above The collector has dealt with this point in paragraphs

pp (11-12) cf

1 and 2 of his letter. In the circumstances reported, the collector was right in declining to cancel the assignment ordered by the Taluk.

Point (2)

Please see G.O. 623 L&M dated 18.2.35 and G.O. 3909 L&M dated 24.9.35

The instructions in these G.Os regarding consultation with the local board concerned, before a change in the classification of ~~ordered~~ land registered as poramboke is ordered, apply only to public roads which are not maintained by the local body. In the case of roads ~~maintained~~ by local bodies there will have to be invariably to be consulted whenever a change in the classification of the land registered as road poramboke is contemplated, for such portions should be excluded from the control of the local body concerned.

In the present case, the land ordered to be assigned by the Taluk was a bit of assessed waste road side land beyond half a chain from the centre of the road. The road has been demarcated and mapped. The collr. reports that the road is more than a chain in width and that there is sufficient margin on either side of the road for the present and future requirements of the road. The land ordered to be assigned was not registered as road poramboke and ~~the~~ consultation with the Dt. Board was not obligatory. In the present case

P.5 of Mis 970 (A)

P.7-8 of Mis (K)

~~stated by the collector~~ however the Dt. Board was consulted in the matter. As the Dt. Board took more than 9 months to give a reply, the assignment was ordered by the Tahsr.

Point 3.

In the circumstances stated by the collector in the concluding paragraph of his letter, PP. 12-13 cf the period of three months fixed in G.O. at (k) is ample and no extension of time is called for.

For orders whether the collrs letter at pp. 11-13 cf may be summitted to the Govt. with remarks as above.

8/6/38 — 8.6.38 — M.I.

SECY. 4 JUN 1938

Draft submitted

8/6/38 — 11.6.38

Please see the Min. Rr. B.12272/38-2 dt 12.6.38 at pp 11-13 cf, the Exn dt 28.3.38 at p 15 cf and the ~~report~~ Memo at p 17 of which has been communicated to the collr.

The papers may be recorded and the file closed. Draft submitted at

A-112-R

B.P. No. mis 1066

Dated 18/4/34

Single Member.

Two/Members.

Full Board.

A.D.S. I-A. & L.R. | Asst. Secretary Land Rev. | Sett. Sep. Rev. | A J.S. | Secy. | M 3 | M 2 | M 1

---

(1) Open file seen by

(2) Final draft seen by

(3) New circulated to

(4) Initials.

Passed for record.

Secretary
Joint Secretary

A.S./(C.W.)
A.S. (L.R.)
A.S. (Sett.)
A.S. (Excise)
A.D.S. & L.R.
I-A.

*Note.- Entries not required to be scored out.